

DOCUMENT RESUME

ED 386 986

HE 028 567

AUTHOR Chambers, Stephen
TITLE "Is American Higher Education Knocking on the Door of Federal Control?" AIR 1995 Annual Forum Paper.
PUB DATE May 95
NOTE 49p.; Paper presented at the Annual Forum of the Association for Institutional Research (35th, Boston, MA, May 28-31, 1995).
PUB TYPE Historical Materials (060) -- Viewpoints (Opinion/Position Papers, Essays, etc.) (120) -- Speeches/Conference Papers (150)
EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS *Accountability; *Compliance (Legal); Court Litigation; Educational Trends; *Federal Aid; Federal Legislation; *Federal Regulation; Government Role; *Government School Relationship; Higher Education; *Institutional Research
IDENTIFIERS *AIR Forum

ABSTRACT

Trends toward increasing federal involvement in higher education and the potential for additional federal mandated reporting are discussed. Areas where the relationship with the federal government has aided institutions are noted, as well as the possibility of harm to innovation and creativity. Historical developments in which government became involved in higher education include: an unsuccessful attempt by the New Hampshire state government to take control of Dartmouth College in 1819, land-grant college legislation (the Morrill Act of 1862) federally-sponsored research in agriculture and later defense-related fields coordinated by the National Research Council (NRC) established in 1916, provisions of the New Deal, veterans' education benefits (the G.I. Bill), the anti-Communist movement, the federal response to Sputnik (the National Defense Education Act of 1958), and incremental growth in appropriations to higher education from 1970 to 1994. The paper notes that federal aid to higher education has resulted in accountability for funds, and resources which could improve quality are diverted to greater administrative oversight to ensure compliance. A partial list of legislative acts illustrates the size and complexity of federal regulations over higher education. Court litigation and controversies between the federal government and higher education are also considered. Restoring public confidence in higher education through institutional assessment is identified as the primary vehicle available to prevent federal control, and to save any future form of self-regulation. (Contains 54 references.) (SW)

* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *

"Is American Higher Education Knocking on the Door of Federal Control?"*by Stephen Chambers***Introduction**

Autonomy does not include the freedom to be irresponsible and unaccountable.

- Paul L. Dressel

New Directions for Institutional Research, no. 26

1980

Those within academe today will undoubtedly witness a significant phase of the nation's history. The roots of this historical change have evolved over a number of decades and now appears to be culminating in directions which will profoundly affect the character of American higher education. Those who understand how the past has lead us to this juncture will comprehend what is at stake. Those who understand will be motivated to not simply witness history in the making, but to participate in the events and decisions that will mold the character and quality of higher education.

What is at stake is determining whether the close of the 20th century signals the unmistakable shift of control of higher education to the nation's capitol.

The American government is a frequent part of the work-life of the typical institutional researcher. Many have gained a thorough specialized knowledge of federal compliance reporting requirements and regulations stemming from the common role of institutional data provider. Completing the proliferation of official forms generated by the U.S. Department of Education, U.S. Department of Labor, U.S. Census Bureau, National Science Foundation, and other agencies, has evolved into a significant responsibility typically performed by institutional researchers. Associated reporting duties often fall to

PERMISSION TO REPRODUCE THIS
MATERIAL HAS BEEN GRANTED BY

AIR

TO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

☒ This document has been reproduced as
received from the person or organization
originating it.
☐ Minor changes have been made to improve
reproduction quality.

• Points of view or opinions stated in this docu-
ment do not necessarily represent official
OERI position or policy.

HE028 567



for Management Research, Policy Analysis, and Planning

This paper was presented at the Thirty-Fifth Annual Forum of the Association for Institutional Research held at the Boston Sheraton Hotel & Towers, Boston, Massachusetts, May 28-31, 1995. This paper was reviewed by the AIR Forum Publications Committee and was judged to be of high quality and of interest to others concerned with the research of higher education. It has therefore been selected to be included in the ERIC Collection of Forum Papers.

**Jean Endo
Editor
AIR Forum Publications**

10

"Is American Higher Education Knocking on the Door of Federal Control?"

by Stephen Chambers

INTERIM DIRECTOR
UNIVERSITY PLANNING AND INSTITUTIONAL ANALYSIS
NORTHERN ARIZONA UNIVERSITY
FLAGSTAFF, AZ

ABSTRACT

This paper is intended to assist institutional researchers, who frequently spend inordinate amounts of time completing external reporting, with a background of information and knowledge about the potential for additional federal mandated reporting, and perhaps, the eventual control of American higher education from the nation's capitol. Trends toward increasing federal involvement are examined. Areas where this relationship has aided institutions, as well as opening the possibility of harm to innovation and creativity are covered. Statements made by national leaders in government and education for over a century are included in this review. Restoring public confidence in higher education through institutional based accountability is identified as the primary vehicle available to prevent federal control.

institutional researchers since these individuals access a broad range of institutional data used in their primary function of management and policy analysis. They are usually among those most familiar with the definitions and terms used to quantify higher education.

Furthermore, as this obligation grows, institutional researchers have moved to the front of those who feel the brunt of growth in federal compliance reporting in their daily workload. This secondary role chips away at the time and resources available to carry out primary responsibilities. Federal requirements, along with increases in other external reporting are frequently reported by institutional researchers as significant obstacles to their effectiveness in influencing internal policy decisions (Huntington and Clagett 1991). Institutional researchers who engage in determining administrative costs and causes are further aware of the magnitude of compliance with federal regulations (Leslie and Rhoades 1995).

The relationship between the institutional researcher and the federal government has positive aspects, as well. Since its establishment in 1867, the U.S. Department (then Office) of Education (USDE) has been the primary vehicle for collecting educational statistics. The national data collected through the Higher Education General Information Survey (HEGIS 1966-1985) and the Integrated Postsecondary Education System (IPEDS 1986 - present) provide institutional researchers with a wealth of information to measure trends and the status of contemporary higher education, as well as providing the ability to compare institutions on a whole host of measures that would otherwise be unavailable except at considerable cost.

The Association for Institutional Research (AIR), itself, benefits from federal programs. Title III of the Higher Education Act of 1965, as amended, Strengthening (Developing)

Institutions, as part of its purposes, has fostered the creation of institutional research offices at many locations. This federally-sponsored program has contributed to the expansion of professional IR positions at participating institutions, which in turn has contributed to sustaining the national AIR membership.

A dramatic shift occurred in the early 1990s in the give and take of relations between institutional researchers and the federal government. Far reaching changes, with far reaching consequences between the federal government and higher education, resulted from the passage of the Student-Right-to-Know Act (Public Law 101-542), as amended by the Higher Education Technical Amendments of 1991 (Public Law 102-26), and the Higher Education Amendments of 1992 and its regulations. (34 CFR Part 602). As a result of these new laws, institutional researchers find themselves in a pivotal role in mapping out the future course of American higher education.

Federal Influence - Good or Bad

The past decade has been a time when the flaws in American higher education have drawn an unusual level of public attention. Critics, including legislators at the state and national levels, are quick to leap on isolated cases or on perceived patterns of activity as evidence of a system gone wrong and in need of revamping.

The slate of instances and associated criticisms is long. Institutions which seem to be solely committed to the pursuit of financial gain, whether it be through skyrocketing tuition increases or attempting to charge inordinately high indirect cost recovery rates, appear to the public to be places that have lost sight of their primary societal purpose. Overreliance on teaching assistants to afford senior faculty another year without teaching

duties signal to the public misdirected use of educational resources. Pursuit of esoteric or abstract research topics that have little bearing on pressing societal issues are considered not worthy of public support. Athletic scholarships spent on those who do not possess the academic ability to graduate, while gifted students work to support themselves through college, violates education's own attested values in the eyes of the public. Students who gain 200 hours of credit over seven years but who cannot compose a business letter or fulfill an employment task cause the public to question the value of a college education.

In a climate where the aforementioned instances are perceived as common place, is there any doubt about the national outcry that higher education pursues only greedy self-interests and ignores or violates public confidence? It is any wonder why, in the national interest, the federal government should not play an active role in getting higher education moving on the "proper" course once again?

Despite its flaws, the American higher education system is the finest in the world. Pluralism among institutions has created an intellectual climate fostering creativity, innovation, and imagination. Few countries boast more than a handful of private colleges, while in America hundreds of these institutions exist affording students tremendous choice of educational environments and experiences. Private colleges are complemented by thousands more public institutions which are committed to delivering high quality education, research and public service for their respective states and the nation. More Nobel prize winners have been educated at American colleges and universities than anywhere else. Over 400,000 students from around the world flock to the United States to attend college (*Digest of Education Statistics 1994*). Advances in science, technology,

and medicine continue to flow from the nation's colleges, and from the work of the graduates of these institutions.

The greatness of American higher education is further seen in participation rates and devotion of resources. For example, the United States far exceeds Japan and Europe in the ratio of college enrollment to population and to annual undergraduate degrees awarded to population. Further, Americans spend more of their Gross National Product on education than these economic competitors (*Digest of Education Statistics 1994*).

The relationship between the federal government and higher education has contributed to this greatness. Unlike many other countries, American institutions have not been forced to fulfill a rigid role specified by national authorities. Private institutions have grown and developed outside a caste public education monopoly. Curricula has not been constructed by ministries of education to ensure uniform content and instruction. Federal involvement has spurred the access to college that has created a well-educated citizenry. Federal assistance has made possible the undertaking of tremendous research endeavors, such as the Applied Physics Laboratory at Johns Hopkins University. Such major research projects would not be possible without the federal government as a primary sponsor.

Yet, the same relationship that has built the greatness benefiting American society for over 200 years stands teetering on the edge of a chasm. At peril is whether the creativity, innovation, and imagination characteristic of this relationship will fall victim to uniformity and homogeneity. The federal government is not concerned with this side-effect because additional control may be the last mechanism available for bringing the public's interest back into the central purpose of higher education.

Federal Involvement - An Overview

The diversity of higher education in this country is among its strongest assets and is a uniquely American development that increasingly interests other nations. This diversity has provided access to more students, a greater breadth of programs, and a broader spectrum of philosophies of education suited to a pluralistic society than has any education system elsewhere. It has produced some of the world's most distinguished centers of learning.

-David S. Saxon, former president of the University of California,
1981

Over the last several decades a dramatic shift from the past has occurred in federal relations with American higher education. Once a domain relatively free from regulations and constrictions, American higher education has more recently experienced an unprecedented level of control (Heyns 1977, Solomon 1977, Bok 1980, Saxon 1981, Rippa 1988, Liggio and Meiners 1989, Smith 1992, Hartle 1994a), and will be treated with an even heavier governmental hand in the foreseeable future (Cheit 1977, Hartle 1994b, Roche 1994).

A review of the role of the federal government in higher education explains the circumstances of the present day.

Fashioning a Higher Educational System

The colonization of the New World brought opportunity for experimentation and development of a higher education system unlike any other. Colleges in the New World were not bound by stifling religious and political authority. These colleges were established in the colonies initially to train ministers for congregations growing in size.

Between 1636 and 1769, 9 colonial colleges were founded by 5 different Protestant orders. In testament to their resilience, all still operate today.

The colonial colleges began the diversity in higher education through regional differences. The New England institutions followed the Calvinistic creed stressing religious orthodoxy and serving as part of established theocracies. The Middle Colonies did not have a ruling church and were more tolerant than those to the north. Within this sense of tolerance, the University of Pennsylvania opened in 1755 as the country's first nonsectarian institution.

The intellectual stimulation of the Enlightenment, including the works of European philosophers such as John Locke, Jean Jacques Rousseau, and John Amos Comenius, found great favor in the colonies and introduced a more secular curriculum to the infant colleges. Such concepts as individual inalienable rights, the contract relationship between a people and its government, and the scientific method, contributed to American educational thought and were widely taught in revised curricula prior to the revolution.

The first instance of government control occurred in the early 19th century when the New Hampshire legislature sought to assume control of Dartmouth College, a private institution founded by the Congregationalists in 1769.

An alumnus, Daniel Webster, pleaded Dartmouth's case in a David versus Goliath contest before the Supreme Court. Webster argued, "It is the case, not merely of that humble institution, it is the case of every College in our land." Eloquently and emotionally requesting autonomy for Dartmouth, he told the court, "You may destroy this little institution; it is weak, it is in your hands." He continued, "I know it is one of the lesser lights in the literary horizon of our country: You may put it out. But if you do so, you must carry through your work! You must extinguish, one after another, all those greater

lights of science which, for more than a century, have thrown their radiance over our land!" He finished his remarks by proudly insisting, "It is, Sir, as I have said, a small College. And yet, there are those who love it" (Choate 1879).

In *Dartmouth College v. Woodward*, 4 Wheat. (17 U.S.) 518 (1819), the Supreme Court upheld the original Dartmouth charter granted by King George III. Dartmouth was found to be a private agency not under control of the State, and New Hampshire's attempt at control was found to be illegal. This decision was a landmark case setting the legal precedence that "guaranteed private colleges a necessary right to exist, free from expropriation and political pressures" (Rippa 1988).

-Forming a Partnership With Higher Education

Another landmark event in the role of the federal government in higher education came in 1862 with the passage of the Morrill Act. This act granted 30,000 acres of public land per congressman in each state for the establishment of agricultural and mechanical colleges. Curriculum was to include other disciplines as well. The federal government largely sponsored the creation of these institutions but deliberately left their control to the states. Vermont Congressman Justin Morrill sought passage of the bill for five years prior to gaining the support of President Abraham Lincoln. James Buchanan had vetoed earlier legislation in part out of fear of federal control of education. Over the course of the next 130 years the operation of land-grant institutions supported by federal subsidies would be held as a shining example of positive mutual cooperation in the national interest that did not lead to federal control.

The Hatch Act of 1887, and the second Morrill Act of 1890, strengthened land-grant institutions with direct federal appropriations. The expansion of these institutions greatly

contributed to development of public higher education. Some states designated existing state colleges as their land-grant institution. Other states created new agricultural and mechanical (A & M) institutions. New York was the only state to designate a private institution, Cornell, as its' land-grant college.

The land-grant movement established two concepts. The first being the principle of the federal government providing matching aid in partnership with the states for higher education. The second, a departure of colleges from classical institutions to ones with applied roles in research and service, as well as instruction.

Additional federal involvement in the early 20th century continued within the limited scope of the land-grant acts. In 1914 the Smith-Lever Act provided for agricultural extension services. Along the same lines, the Smith-Hughes Act of 1917 promoted vocational and home economics training through the land-grant system.

Federally-sponsored research was primarily limited to agricultural-related disciplines until World War I. The National Research Council (NRC), established in 1916, helped coordinate defense-related research and for the first time tied national defense to education. The NRC started with initial funding from the Rockefeller and Carnegie foundations and served as an early vehicle in institutionalizing federal funding of research (Liggio and Meiners 1989).

The Great Depression and the subsequent acts of the New Deal saw an explosion in the role of the federal government in American society, including higher education. Until this time, the American tradition was the smaller government, the more certain liberty was guaranteed for the individual. Now the New Deal called upon government, in the words of educational historian Henry J. Parkinson, to assume "the role protector of the people."

Explaining a fundamental shift in attitude, Parkinson elaborated that "a traditional fear of government tyranny gave way to the greater fear for their own welfare and security-freedom from government seemed much less important than freedom from want."

The federal government in its new role as "protector of the people" viewed higher education as just another societal institution with a part to play in carrying out this greater social responsibility. Many new college facilities were built at federal expense through the Works Progress Administration and the Public Works Administration. The primary motive of these programs was not to benefit higher education but to stimulate employment. Similarly, the National Youth Administration provided employment and relief services to young people, and as a side benefit allowed many their only opportunity to save money for college.

World War II changed the relationship between the federal government and higher education, forever. Federally-sponsored research at colleges and universities rose exponentially in response to national defense interests. Research agendas at universities became the federal research agenda with the influx of unprecedented levels of resources. It is estimated that not long after the close of the war that at least 14 federal agencies were providing over \$150 million a year for research at institutions of higher education. Nearly all of the research in the natural sciences was dependent on federal support (Act 1952). Spurred by federal support, research at a handful of universities began to be large and complex operations. Over time a number of other universities gained similar levels of activity. Developing tremendous research facilities and capacities, at federal expense, gave new power and prestige to a select number of institutions. Universities with research missions grew larger from this support, and indirect cost recovery funds allowed for

additional expansion of programs. Members of the Association of American Universities (AAU) benefited the most from federally-sponsored research and are acknowledged as leaders in the national research capacity.

Enrollments at institutions across the country swelled with the return of veterans eager to use the educational subsidies of the Service Man's Readjustment Act. About 7.8 million veterans enrolled under this act, at a cost of \$14.5 billion. Another 1.5 million veterans of the Korean War followed shortly thereafter.

Federal stimulus during World War II dramatically and rapidly altered the character of American higher education. The scale of the learning and research enterprise became the envy of the world. Few in higher education desired a reversion back to the days when selective small liberal arts colleges were the standard mold, but another fundamental change had transpired. American higher education became inextricably linked to federal assistance.

After World War II most Americans believed the partnership had been successful and beneficial. Millions of the citizenry had been the first generation to attend college under the G.I. Bill, which brought them unheralded opportunity for social and economic advancement. Society was better off from the numerous scientific, technological and medical advances made through research during the war. Many desired not only to keep this good thing going, but envisioned new ventures for the partnership.

In the course of deciding where and how to fund the federal-college partnership, the question of federal control kept arising from a small vocal minority.

Whoever controls the purse strings calls the shots. Given this axiom, critics believed that the federal government could not be sufficiently benign to assist without ultimately interfering with or controlling higher education.

A primary fear was that centralized control of education would eliminate institutional autonomy and threaten the basic principles of a free society in a democratic state. The emergence of the United States as world leader, and the leading example of democracy, called for careful and rational consideration of the appropriate federal role.

An old school of thought holds that there is a delicate linkage between education and freedom. Thomas Jefferson advocated this position in insisting, "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be." (Barlett 1966). Henry Steele Comanger took Jefferson's appeal and added, "All but the most thoughtless or the most ignorant knows that unless education is free, the minds of the next generation will be enslaved."

Despite the tremendous benefits received from the partnership, some in post-war America held to these traditional beliefs certain that enlarging the federal influence in education would lead to centralizing policy making; perhaps even to the point of emulating European ministries of education.

Hitler's authoritarian rule dominated the education of the youth and was a fresh reminder of how centralized education could be subverted. Upon occupying Germany, Supreme Allied Commander Dwight Eisenhower recalled, "I learned then that one of the practices of dictatorship is to allow no interference on the part of the parents with the schooling of their children" (*Public Papers* 1957). For Eisenhower and others, the evil of Nazism strengthened convictions that the key to freedom was held in education according to

American traditions of individual pursuit of learning without constraints by the State (Chambers 1985).

Education and freedom in America suffered during the late 1940s and early 50s in the wake of the red scare. The anti-Communist movement labeled federal aid to education as "creeping socialism," and stained the era through book burnings and other paranoid manifestations. Critics of American institutions were denounced as disloyal. Professors espousing leftist views or those who refused to sign loyalty oaths were removed. By mid-1953 faculty exercising constitutional rights against self-incrimination concerning membership to the Communist Party had been suspended or dismissed by Columbia, Rutgers, Vermont, Queens, Hunter, the Harvard Corporation, and the City College of New York (*U.S. News and World Report* 1953).

In his effort to save America from authoritarian rule, Senator Joseph McCarthy demonstrated well how central authorities of government can overrule institutional autonomy, bash academic freedom, and censor controversial books and texts from school libraries. The red scare remains as a painful American example of how hysteria can be influenced or even propagated by government authorities, and used to control education.

Opponents of federal aid to education saw governmental involvement as a self-interested, self-perpetuating entity destined to extract the lead role. Eisenhower's Secretary of Agriculture Ezra Taft Benson was among those expressing the danger inherent in additional aid packages proclaiming, "Federal aid to education was a case of letting the camel get his nose under the tent; if we permitted it, the time would surely come when the whole camel would be inside the tent" (Benson 1962).

Eisenhower approved incremental growth in federal aid but deemed some proposals as creating unwanted control at the national level, asserting "that education teaching paternalism is not education; it is destroying citizenship," and taking "strong exception to the pressure for centralizing, centralizing, and centralizing" (*Supplementary Notes* 1955).

A larger government role in education was determined on October 4, 1957 not by any internal consensus or influence, but by an event occurring far away from the United States. Sputnik deflated the American ego. Second place in technology to the Soviet Union struck a deep sense of fear about what the future may have in store and the nation called for educational reform aimed at shoring up the apparent gap in scientific know-how between Americans and Soviets. Defense once more was the rallying cry that expanded federal assistance and influence in higher education.

Among those encouraging a strong federal response to Sputnik were two leading technologists - rocket expert Werner von Braun and Navy Vice Admiral Hyman Rickover, also known as the father of the nuclear submarine. Both held that the national government had a vital interest in education and had to play a leadership role in helping the country forge ahead. Both desired a method to achieve quick recovery to education's ailments.

Testifying before the House Subcommittee on Education and Labor on the need for science education programs, von Braun argued:

I believe it is entirely proper and keeping with the democratic tradition for the Federal Government through the responsible agency to furnish necessary assistance for the support of an adequate educational system. We have for some years supported our farm economy by large sums of money appropriated for the control of crops. It seems to me that it makes little sense to overlook the most important of all; namely, the minds of our children. (U.S. Congress Subcommittee on Education and Labor 1958)

Rickover spoke and wrote at length about a strong education system as the nation's first line of defense, explaining:

Everyone is aware today that our educational system has been allowed to deteriorate. It has been going downhill for some years without anything really constructive having been done to arrest the decline, still less to reverse the course. We thus have a chronic crisis, and unsolved problem as grave as any that faces our country today. Unless this problem is dealt with promptly and effectively the machinery that sustains our level of material prosperity and political power will begin to slow down. This may take a little time and we, who neglected our civic responsibility by postponing action, may be lucky enough to escape the consequences. The ones who assuredly will have to pay are now growing up fast or are yet unborn. In truth, the sins of the fathers are visited on their children (Rickover 1959)

The response to Sputnik was passage of the National Defense Education Act of 1958 (NDEA) (Public Law 85-864). The NDEA was given a budget of over one billion dollars over a four-year period, with appropriations of \$40 million for the first year.

NDEA activities were carried out through two federal agencies. The Department of Health, Education and Welfare (HEW) programs were aimed at strengthening the teaching of science and mathematics, increasing the supply of college teachers, improving foreign language teaching, and strengthening the statistical and analytical abilities of the Office of Education. The National Science Foundation (NSF), established only eight years earlier, sponsored science education programs including improvement of subject-matter knowledge of science and mathematics teachers, improvement in course content at all levels of education, encouragement of science careers, and the expansion of graduate fellowships.

The NDEA continued the link between education and national defense, bringing new and substantial amounts of federal resources to all levels of education. The tie to defense spurred greater federal involvement than had been previously possible under proposals specifically for educational objectives alone. The NSF curriculum packages further marked an early example of the federal government involving itself in guiding the content of "officially" preferred instruction.

While receiving favorable reception among Congress, the NDEA had its detractors. Representative Ralph W. Gwinn was among those who believed the Office of Education had a selfish desire to expand its authority at all costs, including devising statistics to justify more programs. In response to the Office of Education estimating the national shortage of scientists and mathematicians, he quipped that the agency would soon be forecasting the shortage of philosophers, religious teachers and "men of God" (Gwinn 1957).

Critics were amply vocal among the American public as well. Democratic senator from Texas, Lyndon B. Johnson, had been credited for having done much to secure bi-partisan passage of the bill. However, at least one suspicious constituent, Wallace E. Ryland of Lubbock, wrote Johnson in 1959 insisting that the nation had been "sold short of what is good for the liberty of our country" through federal aid to education "since history demonstrates very clearly that dictatorships harness the education of youth to establish, or perpetuate their regimes."

The 1960s further defined the national role in education. Kennedy's Commissioner of Education Sterling M. McMurrin described the era as a time of "providing federal funds for educational enterprises that were of importance to the nation as a whole." Major pieces of legislation approved in the early 1960s were reauthorization of the National Defense Education Act 1963 and 1964, the Higher Education Facilities Act of 1963 (Public Law 88-204), and the Vocational Education Act of 1963 (Public Law 88-210).

Passage of 18 separate bills related to education occurred between 1965 and 1966, with federal assistance jumping from \$2 billion annually to over \$6 billion (Rulon 1981). Highlights of Johnson's "fabulous 89th Congress" included passage of the encompassing Elementary and Secondary Act of 1965 (Public Law 89-10), and the Higher Education Act of 1965 (Public Law 89-329). "It is obvious that the federal government is now in the education business in a big way," remarked educational historian John D. Pulliam.

Unlike legislation of previous eras, the 1960s proved that education, without a dire emergency at hand, could stand as a subject of federal action.

The era from 1970 to 1994 has been characterized by a general confirmation of established federal programs and incremental growth in appropriations extracted by educational

lobbyists and a sympathetic Congress. In all but 6 of these 24 years was there an executive exuberance to expand federal aid in new directions. Congress, on the other hand, was more generous in bolstering annual appropriations. Federal support to higher education increased from \$4.1 billion to over \$19.8 billion during this period. However, federal revenues as a source of income had decreased from 19.2% of the total to slightly over 12% (*Digest of Education Statistics 1994*).

A major change during these two decades was greater access to higher education. Undergraduate enrollment during this period has nearly doubled, rising from 6.8 million to over 12.5 million students. Federally-supported student financial aid, largely resulting from the Educational Amendments of 1972, opened college doors to many who would not had the opportunity to attend. In 1989, 41.9% of all undergraduates were receiving some type of federal aid. USDE student financial assistance obligations amounted to \$7.3 billion by 1993 (*Digest of Education Statistics 1994*).

Since 1972, a stale economy coupled with a growing national debt were the overriding concerns. Assistance to higher education in recent years has been lean. Competition for grants not only among humanists, but scientist as well, is keen. The partnership relation between higher education and the federal government has been replaced with higher education being just another contractor of services (Keller 1994).

Proponents of furthering national interests in higher education in the last 25 years have had visions and proposals stymied by commitments first to defense, and later to entitlement programs. Perhaps the two most significant events during this period have been the creation of the USDE in 1979 under Jimmy Carter and the National Service Trust Act (Public Law 103-82) fashioned by Bill Clinton. Whether the "peace dividend"

counted on to support the latest expansion of assistance will occur or be directed toward this purpose appears dismal at best.

-The Federal Government as Regulator

Up to the mid-1970s federal assistance and regulation over higher education progressed in a linear fashion. The more money available to higher education the more restrictions were placed. After this point the pattern became non-linear. Federal regulations increased, while assistance eventually decreased.

Prior to this shifting pattern the meaning of accountability changed. Federal assistance to higher education had always carried accountability that funds would be spent, and documented, for prescribed purposes. After the mid-1960s, the definition of accountability was expanded to mean that institutions would abide by certain standards of behavior accepted to be in the national interest. There was little controversy about these attachments. Institutions voluntarily applied for funding. Colleges and universities benefited from the assistance received. Following federal guidelines was generally seen as more-or-less a harmless means of furthering good causes.

The infusion of federal funds created a situation where nearly every institution of higher education is dependent on the continuation of these revenues. Few could simply back-out of federal support and go on with operations as normal. Higher education was hooked and would need to comply with any and all regulations set down as national policy for this vital infusion.

The question of following regulations was not a large issue. Members of the higher education community were typically among the first advocating the end purposes, such as non-discrimination, equal pay, and safety in the work place. Animosity began to occur

when the culmination of regulations were in effect making the federal government a self-appointed, perpetual policy director whose whims and rules came to influence the course and success of institutions.

Pluralism turned to plain vanilla. Resources otherwise destined to improve quality, and foster innovation and creativity are diverted to greater and greater administrative oversight to ensure compliance. Enlargement of regulatory interest of the federal government is seen in *Federal Register*, the place where regulations are published, which consisted of 3,450 pages in 1937 and exceeded 68,000 pages in 1994.

The following partial list of legislative acts illustrates the aggregated growth, and current size and complexity of federal regulations over higher education:

Davis-Bacon Act of 1931, as amended, various dates

Fair Labor Standards Act of 1938, as amended 1966 and 1974

Political Activities (Hatch) Acts of 1939 and 1940

Internal Revenue Code of 1954, sections 501 (c)(3) and 170

Equal Pay Act of 1963

Civil Rights Act of 1964, as amended 1972

National Historic Preservation Act of 1966

Civil Rights Act of 1968

Architectural Barriers Act of 1968

National Environmental Policy Act of 1969

Animal Welfare Act of 1970

Comprehensive Alcohol Abuse and Alcohol Prevention, Treatment and Rehabilitation Act

of 1970

Intergovernmental Personnel Act of 1970

Occupational Safety and Health Act of 1970

Title IX of the Educational Amendments of 1972

Drug Abuse Office and Treatment Act of 1972

Employment Security Act of 1972

Health Maintenance Organization Act of 1973

Rehabilitation Act of 1973, sections 204 and 503, as amended 1974

Employment Retirement Income Security Act of 1974

Federal Disaster Protection Act of 1974

Family Educational Rights and Privacy Act of 1974

Age Discrimination Act of 1975

Asbestos School Hazard Protection and Control Act of 1980

Single Audits Act of 1984

Drug Free Schools and Communities Act of 1986

Drug Free Workplace Act of 1988

Americans With Disabilities Act of 1990

Student-Right-to-Know and Campus Security Act of 1990

Higher Education Technical Amendments of 1991

Higher Education Amendments of 1992

Student Loan Reform Act of 1993

Improving America's School Act of 1994

Additional federal regulations include such areas as:

Affirmative Action (Executive Order 11246)

Debarment and suspension (Executive Order 12549)

Grants administration (OMB circular A-21), as revised

Delinquent federal debt (OMB circular A-129)

Campus radio stations

Collective bargaining

Copyright law

Hazardous substances (regulations by EPA, FDA, DEA, and the NRC)

HEGIS/IPEDS

Lobbying

Immigration and naturalization

Inventions and patents

Misconduct in science

Recombinant DNA

Research on Human Subjects

Surplus property

Even before the contemporary onslaught of federal regulations, higher education administrators howled about the magnitude of the paperwork. Most acknowledged the benefits of federal aid in supporting students, conducting research, and helping to construct buildings but found the "demands by government agencies for excessive, irrelevant, and duplicative data objectionable" (Solomon 1977). Some recognized that the extension of the government into how students were treated, how faculty were hired, what

academic and administrative policies were set, and justifying the manner in which finances were raised, ran dangerously close to federal control (Cheit 1977, Saunders 1978). The presidents of Columbia and California noted that academic institutions and scholars need autonomy in choosing academic pursuits to be productive. Both expressed serious concern over whether federal regulations were beginning to jeopardize academic freedom (McGill 1977, Saxon 1981).

By the mid-1970s new levels of frustration were realized. In addition to the sheer quantity of rules to be followed and forms to be submitted, particular areas of venting included the lack of higher education input into regulation making, the burden of proof of good behavior resting with the defendant institution in trivial complaints, and the ability of one misguided employee to bring federal threat to the entire institution (McGill 1977). Others complained, such as in the case of the Buckley Amendment (FERPA of 1974), that the government required an institutional response prior to the government agency issuing final regulations and overstepping the intent of the original legislation (Solomon 1977). In 1977 Joseph A. Kershaw, of Williams College, expressed the basic sentiment of many in academe when he observed that government regulators often take a combative attitude in part "because many practices in higher education are unique and difficult for outsiders to understand."

By this time evidence of federal control was obvious but it was hard to determine that any specific threshold had been violated. Anecdotal evidence of run-ins with regulations and regulators became more common place as these rules cut across more facets of the institution. The number of hampered scholars and beleaguered administrators was yet

another subjective measure. Higher education found trouble quantifying the cost of institutional resources devoted to adhering to the myriad of compliance areas.

In 1977 the fuzziness of determining the costs for compliance is shown in an experiment of the Alfred P. Sloan Foundation. Concern about the government looking "less like helpful partners and more like unfriendly policemen" led the Sloan Commission on Government and Higher Education to provide an objective examination of regulations and higher education accountability and to recommend appropriate future courses of action (Sloan Commission on Government and Higher Education 1980). A component of this study invited a variety of public and private institutions to submit self-studies of non-reimbursed costs of federal compliance. Even small private liberal-arts colleges participating in the study reported an array of problems in data collection but managed to estimate an annual cost of compliance to be \$200,000 to \$278,000 (Kershaw 1977, Wellesley College 1977). In 1994 dollars the cost of compliance at 1977 levels of regulation is \$395,000 to \$549,000 (Research Associates 1994).

The two small private colleges used as examples represent a type of institution more insulated from government regulation, yet they devote a fortune meeting compliance demands. With the additional regulations set in place since 1977, the cost has probably increased at least three fold. The cost to public institutions is even more staggering.

Control of institutional resources is a part of the larger question concerning federal control of education. Past practice shows that when Congress passes a law, or an agency sets down regulation, there is little concern about the cost of compliance to individual institutions. How to absorb the new mandated costs, is problematic for institutions who have had little influence in the formulation or interpretation of these regulations.

Federal regulations are taken seriously and the cost of compliance is incurred. In the most instances, it is likely that the institution was already following the specified purpose of the regulation but now another layer of administrative paperwork and staff time is added. Institutions have finite resources available, so the costs associated with compliance are taken from other institutional areas; areas which greatly form and fashion an institution. There are no other sources but these to draw from. An eventual dullness in institutional contribution and promise is inescapable.

Federal relations in the past 15 years have been unsympathetic to the internal stifling caused by new regulations placed upon the mountain of existing ones. In 1980 Derek Bok, then Harvard president, wrote that institutions are forced into "reducing their budgets for teaching and research" in order to comply with federal regulations. He lamented that "further regulatory costs seem likely to impair the quality of our academic work in increasingly serious ways." Twelve years later Towson State University President Hoke L. Smith concluded that the federal government is immune to the internal consequences "since lawmakers and regulation writers do not have to bear the costs of the programs, they are not limited by the practical or financial limitations of implementing the regulations." Hoke further insisted that "our obligation to comply should not be equated with passive acceptance of regulation specifics."

Collectives of institutions either through Dupont Circle organizations or through accreditation bodies have been responsive in some instances by pointing out the potential damage of specific regulations. Their successes, however, have led only to the removal of more objectionable language rather than reversal of the regulatory action. Perhaps the immense power of the government and/or institutional dependence on federal assistance,

few institutions, themselves, have done much other than to passively accept each year's new layer of regulation.

Only two colleges, Hillsdale and Grove City, sought exception to expanding federal control. In his 1994 book, The Fall of the Ivory Tower, George Roche recalls how his small Michigan liberal arts college, Hillsdale, attempted to point out that it was not a recipient of federal funds and therefore should not be held to federal regulations affecting higher education. After standing alone for almost three years, Grove City College, a church affiliated institution in Pennsylvania, was reluctantly thrown into the same legal fray.

Stepping beyond the intent of the Educational Amendments of 1972, HEW sent a letter to each college and university in the nation requesting that they formally sign an "assurance of compliance" form stating that they would adhere to Title IX and other civil rights statutes. Hillsdale, who Roche points out, had a history of equal opportunity dating back to 1844, sent the form back unsigned stating that they believed HEW had misinterpreted the legislation.

"Hillsdale's position was that since it did not accept direct aid from government, it was under no obligation to divulge proprietary information or to sign what amounted to a blank search warrant authorizing widespread bureaucratic intrusion into its records and decision-making processes," Roche summarized. Grove City College simply did not sign the assurance form which took HEW two years to discover.

So began a costly legal battle that lasted until 1984. No one had accused Hillsdale or Grove City of discrimination. The battle itself, in Roche's words was only "to determine whether private colleges and universities must knuckle under to federal bureaucrats."

In 1982 the Sixth Circuit Court found that Hillsdale did not have to sign the overly broad assurance form but that it was still subject to federal control as a "recipient institution." Hillsdale had been determined to be a "recipient institution" since some of its students had *individual* federal grants and loans. Further action regarding the Hillsdale case was held until the *Grove City College* case was determined.

In 1984 the Supreme Court ruled in *Grove City College v. Bell* (465 U.S. 555) that Title IX was specifically program based, meaning that if found to have discriminatory practices only the financial aid program, not the entire institution, was liable. The Court further ruled that "the economic effect of direct and indirect assistance often is indistinguishable," therefore an entire college would be considered a "recipient institution" if a single student participated as an individual in the USDE administered Alternate Disbursement System (*United States Reports* 1983). In 1992, at great expense to its ability to attract top scholars, Hillsdale had to raise \$1.4 million in 1992 to replace federal student assistance (Roche 1994).

Federal Control in the 1990s

"Toe our line, or we will take away your funds," the regulators say. It is scarcely possible to pose a more naked threat. They might as well announce "you take our money, so we own you" to colleges and universities. What is really galling about this is that "our money" means money that belongs to you and me. When the government gives it, it comes not with strings attached, but chains.

-George Roche, President of Hillsdale College, 1994

Half-way through the 1990s, the relationship between the federal government and higher education builds upon previous trends. New laws and regulations intrude further into

institutional management annually. The new laws are based on good intentions, as those preceding. Unfortunately, these acts follow the tradition of not containing higher education input in formulation. Further based on tradition, federal agencies take what is written in the legislation and propose regulations that overextend requirements beyond the original intent. Not a single dime is provided to cover compliance costs.

Unlike the past, the frequency and encompassing nature of new legislation and regulations pose a shift in relations. The conditions resemble an enlarging of the stick and a shrinking of the carrot. The cost of compliance weighed by the level of assistance received are coming closer together, and may someday meet as the former grows and the latter dwindles. Even if these two points pass each other, the compliance obligations will continue.

Substantial reduction in federal aid to education appears highly probable, if not imminent, as the current Republican Congress sets out to implement its "Contract with America." The first, but by far not last, targets of this objective are the elimination or curtailment of public broadcasting and sponsored scholarly efforts in the arts and humanities.

A snowballing increase in regulations during the 1990s was first recognized with the passage of the Student-Right-to-Know Act. S-R-K began as a federal response to big time collegiate athletics, with other popular amenities tacked on along the way.

The federal government perceived that too many college athletes were recruited solely to win games, and thereby securing millions of dollars in acquiring titles and booster support. Too many of these recruited athletics did not possess academic prowess to the same degree as their athletic ability and did not graduate. The viewpoint of the federal government held that forcing colleges to report the graduation rates of athletes would

keep this type of recruiting behavior from happening. Thus S-R-K was passed even though members of the NCAA Division I had already been reporting graduation rates of athletes for years.

In addition, Congress realized that graduation rates for athletes would need to be compared to a larger base in order to point out deficiencies. As a result, graduation rates for all students entering as freshmen was added to S-R-K. This provision was appealing in providing a consumer protection bent to S-R-K's primary concern about big time collegiate athletics.

Before and after the passage of S-R-K, higher education administrators and researchers pointed out that graduation rates as a sole measure were "completely meaningless and totally incomparable" (Broughton 1994). Only by placing them within the larger context of institutional mission, selectivity, and commitment to cultural diversity, do graduation rates become meaningful (Astin 1993).

Federal adoption of the six-year graduation rate figure is misguided not only as being an unsound way of determining how well students are served, but further by its inclusion within legislation constitutes an "official blessing" to the public as being the standard of measuring educational quality. The de facto national standard, defined as 150% of the normal length of time to graduation, was instituted. In a distinct manner, adoption of the graduation rate measure itself induces a greater level of federal control. Forty years ago, Congressman Ralph W. Gwinn argued in a similar view:

It is perfectly clear that we are in great confusion about what Federal control means. I think it obvious that when the President of the United States, the Vice

President, and the Secretary of Health, Education, and Welfare all go on record for some form of Federal aid to education that in itself is a measure of Federal control of the thinking of the people not easily capable of refutation or countermeasures. What chance does the individual so-called free citizen have to refute the allegations...

Likewise, higher education is hard pressed to refute the graduation rate measure of S-R-K now that it has become legislatively ordained. One result will once again be the sacrifice of diversity and the encouragement of homogeneity among institutions as colleges and universities adversely react against their own traditions to bolster graduation rates. Limited access for underrepresented ethnic groups, support for a breadth of learning, and the benefit and value of a college education over a life time, will be sold short in the response to S-R-K.

The harm caused by caving in to popular political themes without first thinking through the implications was realized again, not long after S-R-K was passed. In a hurry to respond to the legislation, USDE proposed rules on July 10, 1992 (34 CFR Part 668) governing implementation. The proposed rules were made to provide higher education a framework to meet the July 1, 1993 disclosure date. The ensuing barrage of technical questions, concerns raised by institutions without cohort tracking systems, and the outright anger of officials, largely contributed to a climate making the issuing of final regulations impossible.

Nevertheless, the USDE did not back down from the legislated July 1, 1993 disclosure date. A profusion of not-well-coordinated, pieced-together, estimated or imagined persistence and graduation rate data was sent to current or prospective students across the

country. Individual institutions covered the expense of this mandated grand foolishness out of their own pockets. Those in the S-R-K accountability movement allowed this unfortunate response to happen. They, themselves, have not been made accountable for the damage done or for the large expense incurred.

Prior to working out a plausible and consistent way of carrying out S-R-K, the USDE retrenched efforts on this regulatory front to move full speed into further embarrassment with the State Postsecondary Education Review Entity (SPRE). The Higher Education Amendments of 1992 authorized the creation of yet another bureaucratic layer at both the federal and state levels with the expressed purpose of cracking down on institutions with high federal student aid default rates. The stick for compliance was termination of future Title IV funding. Institutions with large numbers of "at risk" students were particularly vulnerable to the punitive measures (Jaschik and Zapler 1994). In its first year of operation, SPRE consumed \$21.3 million in taxpayer's dollars (USDE 1995).

The proposed regulations for SPRE once again followed USDE's track record of overstepping the intent of the original legislation by placing itself as the entity in charge of setting standards for accreditation, and in essence, measuring educational quality (National Policy Board 1994). Federal control of higher education was poised to take place under the banner of reducing "waste, fraud, and abuse." A grandiose interpretation of legislation lay blame to creating enormous amounts of new record-keeping and paperwork burdens. The government stood poised to directly influence the internal management of academic affairs. Even institutions with the finest record of low default rates would not be immune to a SPRE review, and thorough scrutinization of practices.

Higher education faced an unprecedented level of federal intrusion and control. SPREs meant the entire camel would be in the tent. Only the loud and sustained objections from the higher education community compelled USDE to remove some of the more outright controlling provisions of the regulations (Hartle 1994a and 1994b, *Higher Education and National Affairs* 1994, Katz 1994, Muffo 1994, Peters 1994).

The final regulations contained over 11 pages of summarized comments sent to the Secretary of Education. Trinity College President, Patricia A. McGuire, a leading SPRE critic, pointed out that the default rate actually declined from 1990 to 1992 and questioned the true intent of the legislation especially when it could be demonstrated that default rates could be decreased through better managed collection efforts.

Among the major revisions in the SPRE regulations published in the April 29, 1994 *Federal Register* (34 CFR Part 667) was dropping the detailed expectations for the 12 standards required in the legislation. The accreditation agencies would be allowed flexibility in defining these standards rather than living with narrow, uniform and restrictive definitions devised by USDE.

After the final SPRE regulations were published, Patricia A. Thrash, executive director of the North Central Association of Schools and Colleges, assessed that "We have fought against what we saw as a regulatory and intrusive federal mind-set that could overwhelm institutions with bureaucratic and duplicative reporting responsibilities and deflect them from their primary tasks of providing good education for students." Thrash urges continued improvement in the accreditation process to ensure that peer review and self-regulation prevent further intervention from the federal government.

Accreditation- Savior or Interim Appeasement

Too many institutions give little attention to accreditation issues because they assume that their own standards are satisfactory, if not impeccable. They are not about to suggest what other institutions should be doing, any more than they should permit others to judge their policies or procedures. That would be an infringement of their academic freedom, which they see essentially as, We do our own thing, and you do yours, and let's neither of use bother the other. They seem to believe that this comfortable understanding can be maintained forever and if they just keep quiet, the federal regulators will go away.

-Charles B. Saunders, Jr., 1978

Accreditation in American higher education is unsurpassed in theoretical initiative and foresight, yet often has been less than effective in practice. The concept that institutions should establish bodies to measure and judge questions of educational quality and value argues in favor of constructive critical review and focused pursuit of improvement on a continuous basis. Accreditation bodies working for the collective good are capable of promoting an ever-increasing ethic and commitment to educational achievement. Sanctions and praise are administered by dedicated professional peers.

Academicians are the most experienced in rendering assessments concerning educational quality. They know what to look for. Those less acquainted with the complexities are less likely to focus on the fundamental requirements for quality and are more likely to reach unsound conclusions based on lack of understanding of academic cultures. They can be driven or distracted by motivations other than achievement of educational quality. Diversity, in the broadest sense, among institutions is realized and appreciated by the

accreditation body because the membership constitutes an amalgam of these same institutions, and as a synthesis of these aims, help to guide the substance of the accreditation process.

For two hundred years the evolution and development of institution-wide accrediting agencies had been characterized by self-regulation and self-governance. In 1952 the federal government took its first large plunge into influencing accreditation practices with Public Law 82-250 requiring the U.S. Commissioner of Education to determine and publish a list of nationally recognized accrediting agencies. This move was prompted to rectify abuses in the G.I. Bill program.

The federal government and the public took an increasingly skeptical viewpoint of the effectiveness of accreditation. Perceptions grew that institutions by and large did not exhibit leadership in forging strong coalitions capable of coming to grips with determining quality of education in meaningful ways. Accrediting bodies typified a loosely connected affiliation rather than a cohesive voice in establishing unquestionable standards. Self-regulation appeared to be governed by self-interest with a lack of stern review and piercing feedback tainting the visitation process. Prestigious institutions questioned the value and expense of even being subjected to the process. Evolution of six regional accrediting commissions roughly cut across geographic areas and covering all levels of postsecondary education was deemed illogic and confusing. This arrangement, described as "largely historical and accidental" (Greenberg 1994), led to concern over the adoption of mutual procedures and standards and has not fostered accountability for student learning, assessment, or outcomes (Atwell 1994, Ewell 1994).

Deep-seated disputes throughout academe concerning almost every aspect of accreditation was marked by behavior and attitudes more tempered to a bar-brawl than a rational and systemic method of addressing the problems with self-regulation. Commissions established to bring cooperation followed a path of creation, dissolution, and reformation for nearly fifty years. In 1993 the longest standing of these coordinating policy groups, the Council on Postsecondary Education (COPA), was disbanded after 20 years of struggle (Perrin 1995). COPA was labeled as being "in a weak and ineffectual position" by its successor, the National Policy Board on Higher Education Institutional Accreditation (NPB). NPB co-chairs, Robert H. Atwell and James T. Rogers, acknowledged that the changes were largely to correct past practices and avoid further "onerous federal regulations."

The NPB report entitled *Independence, Accreditation, and the Public Interest* proposes major improvements which if successful could stave-off further legislation for at least the near future. In part, the plan calls for creation of a Higher Education Accreditation Board (HEAB) with strong influence over establishing national standards and policies, evaluating accrediting agencies, and developing sanctions and overseeing enforcement. To begin with, the HEAB will consider core standards emphasizing student learning. The majority of HEAB's composition will be members of the public and the panel is urged to help reassure the public that accreditation is working.

Whether the NPB's valiant last stand will be successful depends on the level of institutional concern over the alternative. Along with a proliferation of new paperwork, additional legislation would in essence place the federal government at the controls of

regulation and governance. The former prefix "self-" would be removed from these functions, replaced with the acronym "USDE."

The NPB realizes the consequences and is committed to delivering renewed meaning to accreditation. "*Independence*" is the first word in the title of their report that contains multiple warnings about the Damocles sword held over American higher education. One such conveyance went this way, "The message is clear: Congress and the Department of Education are eager to regulate."

Other Federal Concerns

The government's good intentions are in the process of guiding proper institutional behavior in the areas of curriculum content, and gender balanced sports programs, and controlling the cost of tuition.

A Preliminary Study of the Feasibility and Utility for National Policy of Instructional "Good Practice" Indicators in Undergraduate Education issued by the National Center for Education Statistics provides sound advice to promote student learning and contains contributions made by informed and influential educators. At the same time, the government assuming authority in areas related to curriculum content and construction leaves an uneasy feeling about whether it would be more appropriate for the government to support these same ends under the auspices of national educational organizations. Since a more central tact has been made, one must believe, given the history of this agency's behesting greater involvement once an area of interest is established, that more influence may be next.

Congress has made expressed reservations about treading into professional sports, such as in resolving the recent major league baseball strike. These reservations have been in part based on the premise that Congress has larger and more pressing concerns to worry about. However, Congress does not hesitate to leap-frog over professional sports to assert itself in collegiate athletics. The latest call for corrective action being in the area greater female participation in athletics. The Equity in Athletics Disclosure Act (EADA) provisions within the Improving America's Schools Act of 1994 (Public Law 103-382) yet adds another layer of mandated paperwork and challenges the effectiveness and authority of the NCAA.

The proposed rules for implementing EADA, published in the February 4, 1995, *Federal Register* (34 CFR Part 668) would, in part, require coeducational institutions receiving Title IV funding to make available to continuing and prospective students, and the public the number of full-time male and female undergraduate students, the number of varsity teams competing, the day of the first contest for each team, the number of team participants, operating expenses for each sport, the salaries and gender of coaches, the amount of student aid for athletics, and revenues generated by sport. The proposed rules conservatively estimate that 18,000 additional hours a year will be required from colleges to comply with these new regulations.

Further, there exists growing concern that the next target in line for regulation will be the amount of tuition colleges can charge students (Baum 1994). The alarm is based on increases in student charges that has outpaced inflation, the cost of living, and even health care. The affordability of college to the average middle-class family is one issue being drawn to the forefront of discussions. However, the resulting increase in the federal contribution to student aid packages will be the driving force behind any new legislation. Once in hand, legislation covering tuition amounts that can be levied on students will in essence give the federal government control over the revenue generating capacity of institutions, and to a large degree, control over the financing of American higher education.

Summary

The scope and breadth of current federal regulations control higher education management to a large degree. More facets of the enterprise will be further controlled in the not-too-distant future.

The present situation is a culmination of several influences. In the case of civil rights or labor relations, institutions of higher education are considered organizations of people, just like business and industry. Rules set by government are made to ensure the conduction of all public and private organizational operations within the nation are consistent with established interests. Other regulations such as S-R-K and EADA are aimed specifically at higher education and seek to correct a perceived malignity.

Which influence caused a particular regulation to be set forth is of little consequence to the overall result - loss of autonomy and greater centralized control. Higher education has brought on more regulation from its mishandling of some aspects of the enterprise. The federal government, in turn, perceives it can rectify the problem by simply passing another piece of legislation. All too often Paul Dressel's admonishment that "autonomy does not include the freedom to be irresponsible and unaccountable" has come home to roost in the form of additional regulation. The price paid is sacrifice of even yet more autonomy.

In situations like the above, it is some members of the higher education community who have forgotten the delicate linkage between education and freedom. Yet all institutions suffer from the additional burden of compliance. More importantly, freedom, in terms of keeping intact the requisites necessary to continue a free society in a democratic state, diminishes.

The linkage becomes further endangered through lawmakers and regulators who rush in to conquer on their own terms before the extent of a problem has been determined, or who administer a cure more fatal than the ailment.

National interests will be accorded due attention by the government. In a time when the federal government is undertaking regulatory cutting, the opposite holds true for higher education.

American higher education has its faults and visible problems require correction in a serious manner. The colleges and universities of America are unique in not having been dictated to by the central government. The relatively unfettered climate has contributed to the collective greatness of our educational system but this attribute has deteriorated over the past two decades and is on the way out altogether unless dramatic self-imposed change is carried out. There is too much at stake, for all those associated with academe, to not become directly involved in fashioning and carrying out institutional assessment and improvement. Likewise, strong institutional participation in molding effective accreditation agencies and processes is crucial in saving any future form of self-regulation. If we fail, the government will impose its own less thoughtful change. When, or if this happens, the most enduring and fulfilling feature of American higher education will be lost - likely forever.

Stephen Chambers is the interim director for University Planning & Institutional Analysis, at Northern Arizona University

References

- Act, R. G. (1952). The Federal Government and Financing Higher Education. New York: The Columbia University Press.
- Atwell, R. H. (1994). Putting Our House in Order. Academe, July-August: 9-12.
- Bartlett, J. (1968). Familiar Quotations, Boston. Thomas Jefferson to Col. Charles Yancy, January 16, 1816.
- Baum, S. (1994). Will Higher education Affordability be the Health Care Issue of the Twenty-First Century?. The College Board Review, no. 173 (Fall 1994): 8-13, 30.
- Benson, E. T. (1962). Cross Fire. Garden City, New York: Doubleday.
- Bok, D. C. (1980). The Federal Government and the University. The Public Interest (Winter 1980): 80-101.
- Broughton, V. (1994). AIR Higher Education Policy Committee News: SRK-Update. The Electronic AIR, 14 (13).
- Chambers, S. L. (1985). Guardian of a Free Society: The Educational Thought of Dwight D. Eisenhower. diss., Flagstaff: Arizona: Northern Arizona University.
- Chiet, E. F. (1977). Benefits and Burdens of Federal Financial Assistance to Higher Education. The College Board Review, no. 103 (Spring 1977): 14-18.
- Choate, R. (1879). A Disclosure Commerative of Daniel Webster (Delivered at Dartmouth College on July 27, 1853). Addresses and Orations of Rufus Choate. 3rd ed., Boston: Little, Brown. Also see Carroll A. Wilson in Familiar 'Small College' Quotations: I. Daniel Webster and Dartmouth, The Colophon 3, New

- Series (Winter 1938): 18.
- Comanger, H. S. (1966). Freedom and Order: A Commentary on the American Political Scene. New York: Braziller.
- Dressell, P. L. (1980) Ed. The Autonomy of Public Colleges. New Directions for Institutional Research, no, 26: 96.
- Digest of Education Statistics (1994). Washington, D.C.: National Center for Education Statistics.
- Ewell, P. T. (1994). A Matter of Accountability and the Future of Self-Regulation. Change, 26 (6): 25-29.
- Greenberg, M. (1994). A Fresh Look at Accreditation., " Chronicle of Higher Education, September 7: B1-2.
- Gwinn, R. G. (1957). Letter to Dwight D. Eisenhower, December 77, OF 111-C-1, Official Files (Dwight D. Eisenhower Library, Abilene, Kansas).
- Hartle, T. W. (1994a). More Federal Regulations to Choke On. Trusteeship, 2 (4): 6-10.
- Hartle, T.W. (1994b). The Battle Over Governmental Regulation of Academe. The College Board Review, no. 172 (Summer 1994): 14-21, 28-30.
- Heyns, R. W. (1977). Our Best Defense Against Government Regulation. Educational Record, 58 (4): 350-357.
- Higher Education and National Affairs (1994). Riley, College Presidents Discuss HEA Regulations, 43 (14): 2.

- Huntington, R. B. and Clagett, C. A. (1991). Increasing Institutional Research Effectiveness and Productivity: Findings from a National Survey. A paper presented at the annual conference of the North East Association for Institutional Research.
- Jaschik, S. and Zappler, M. (1994). Education Department Claims Success in Fight Against Loan Default. Chronicle of Higher Education, September 7: A44.
- Katz, S. N. (1994). Defining Educational Quality and Accountability. Chronicle of Higher Education, November 16: A56.
- Kershaw, J. A. (1977). The Federal Government and Williams College. Sloan Foundation Commissions on Government and Higher Education, Cambridge, Massachusetts.
- Keller, G. (1994). The Impact of Demographic and Social Changes on Higher Education and the Creation of Knowledge. American Council on Learned Societies Occasional Paper, no. 26: 1-6.
- Leslie, L. L. and Rhoades, G. (1995). Rising Administrative Costs: Seeking Explanations. Journal of Higher Education, 66 (2): 187-212.
- Liggio, L. P. and Meiners, R.E. (1989). The Growth of Government Control of American Higher Education. Federal Support of Higher Education: The Growing Challenge to Intellectual Freedom, Meiners, R.E. and Amacher, R. C., Eds., New York: Paragon House.
- McGill, W. J. (1977). The University and the State. Educational Record, 58 (2): 132-145.

- McGuire, P. A. (1994). SPRE Madness. Trusteeship, 2 (6): 8-10.
- McMurrin, S. M. (1983). Letter to author, October 5.
- Muffo, J. A. (1994). Letter to Karen W. Kershenstein, reprinted in the Electronic Air Newsletter, 14 (13).
- National Policy Board on Higher Education Institutional Accreditation (1994).
Independence, Accreditation and the Public Interest, Washington, D.C.: National Policy Board.
- Parkinson, H. J. (1977). The Imperfect Panacea: American Faith in Education, 1865-1976, 2nd ed., New York: Random House.
- Perrin, K. L. (1995). Accreditation: A Personal Odyssey. Educational Record, 76 (1): 32-35.
- Peters, R. (1994). Some Snarks are Boojums: Accountability and the End(s) of Higher Education. Change, 26 (6): 16-23,
- Pulliam, J. D. (1976). History of Education in America, 2nd ed., Columbus, Ohio: Charles E. Merrill.
- Public Papers Office of the President of the United States (1957). Washington, D.C.: Government Printing Office.
- Research Associates (1994). Inflation Measures for Schools, Colleges, and Libraries, Washington, D.C.: Research Associates.
- Rickover, H. G. (1959). Education and Freedom, New York: E. P. Dutton.
- Rippa, S. A. (1984). Education in a Free Society, 6th ed., New York and London: Longman.

- Roche, G. (1994). The Fall of the Ivory Tower, Washington, D.C.: Regnery Publishing.
- Rulon, P. R. (1981). Compassionate Samaritan: The Life of Lyndon Baines Johnson.
Chicago: Nelson-Hall.
- Ryland, W. E. (1959). Letter to Lyndon B. Johnson, August 8. Senate Papers Collection,
Box 668, 1959, Education subject File (Lyndon B. Johnson Library, Austin,
Texas).
- Saunders, C. J., Jr. (1978). How to Keep the Government from Playing the Featured
Role. Educational Record, 59 (1): 61-69.
- Saxon, D. S. (1981). The Federal Connection. Educational Record, 62 (1): 17-20.
- Sloan Commission on Government and Higher Education (1980). A Program for
Renewed Partnership, Cambridge, Massachusetts: Ballinger.
- Smith, H. L. (1992). Regulations and Universities: An Argument for Compliance.
Educational Record, 73 (3): 23-26.
- Solomon, H. (1977). The Growing Influence of Federal Regulations. Educational
Record, 58 (3): 270-289.
- Supplementary Notes (1955). Legislative Meeting, February 8, Legislative Meetings
1955 (1), Box 1, Ann Whitman Legislative Series (Dwight D. Eisenhower Library,
Abilene, Kansas).
- Thrash, P. A. (1994). Facing the Future. Commission on Higher Education Briefing
12 (1): 4-5.
- U.S. Congress Subcommittee on Education and Labor (1958). Statement by Werner von
Braun on Science Education, March 14, Scholarship and Loan Program, 85th

Congress, 2nd Session, 1308-1311.

U.S. News and World Report (1953). How Communists Try to Influence American

Teachers, July 31: 81.

Wellesley College (1977). Wellesley College Case Study for the Sloan Commission on

Government and Higher Education, Cambridge, Massachusetts: Sloan

Commission on Government and Higher Education.